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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/645,976	08/22/2003	Stephen A. Fridella	10830.0098.NPUS00	8381
27927 7590 02/01/2008 RICHARD AUCHTERLONIE NOVAK DRUCE & QUIGG, LLP 1000 LOUISIANA 53RD FLOOR HOUSTON, TX 77002			EXAMINER NGUYEN, QUANG N	
			ART UNIT 2141	PAPER NUMBER
			MAIL DATE 02/01/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/645,976

Applicant(s)

FRIDELLA ET AL.

Examiner

Quang N. Nguyen

Art Unit

2141

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 7-25 and 32-50 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 26-28 is/are rejected.
- 7) ☒ Claim(s) 4-6 and 29-31 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>20031124</u> . | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

1. This Office Action is responsive to the Applicant Response to Pre-Exam Formalities Notice filed on 12/11/2003. Claims 1-50 are presented for examination.

Information Disclosure Statement

2. The information disclosure statement (IDS) submitted on 11/24/2003 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

3. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 1-3 and 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Network File System (NFS) version 4 Protocol", hereinafter "NFS_V4", in view of Kirnos (US 2002/0188667 A1).**

6. As to claim 1, **NFS_V4** discloses in a file server system having a clock for producing a clock time and a processor for servicing client requests for access to a file, the processor having a timer for measuring a time interval, a method comprising:

the processor obtaining the clock time from the clock, beginning measurement of the time interval with the timer (**NFS_V4, page 96, lines 1-12**), and

the processor responding to a request from a client for an asynchronous write to the file by performing an asynchronous write operation with respect to the file (**NFS_V4, page 96, lines 1-12**).

However, **NFS-V4** does not **explicitly** disclose determining a file-modification time that is a function of the clock time having been obtained from the clock and the time interval measured by the timer, the file-modification time indicating a time of modification of the file by the asynchronous write operation.

In the same field of endeavor, **Kirnos** discloses determining a file-modification time that is a function of the clock time having been obtained from the clock and the time interval measured by the timer, the file-modification time indicating a time of

modification of the file by the asynchronous write operation (*i.e., file-modification time = start time + f, wherein f is the time interval between t=0 and t=f for performing one or more operations that alters the file*) (**Kirnos, paragraphs [0059] and [0094]**).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the features of determining a file-modification time indicating a time of modification of the file, as disclosed by **Kirnos**, into the teachings of **NFS_V4**. One would be motivated to do so to keep track of the file-modification time, *i.e.*, to provide management and synchronization for network file system by preserving metadata information about synchronized files, in contrast to other processes that incur loss of such information.

7. As to claim 2, **NFS_V4** in view of **Kirnos** discloses the method of claim 1, wherein the file-modification time is a sum of the clock time having been obtained from the clock and the time interval measured by the timer (*i.e., file-modification time = start time + f, wherein f is the time interval between t=0 and t=f for performing one or more operations that alters the file*) (**Kirnos, paragraphs [0059] and [0094]**).

8. As to claim 3, **NFS_V4** in view of **Kirnos** discloses the method of claim 1, which includes the processor acknowledging the request from the client for an asynchronous write to the file by returning to the client the file-modification time (**NFS_V4, page 33, sections 5.1-5.2 and Kirnos, paragraph [0112]**).

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9. Claims 26-28 are corresponding file server system claims of method claims 1-3; therefore, they are rejected under the same rationale.

Allowable Subject Matter

10. Claims 7-25 and 32-50 are allowed.

11. Claims 4-6 and 29-31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

12. Further references of interest are cited on Form PTO-892, which is an attachment to this Office Action.

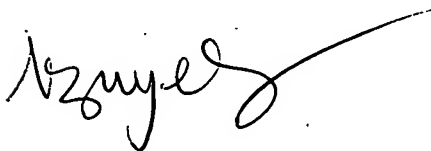
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13. A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Quang N. Nguyen
Primary Examiner – AU 2141
January 30th, 2008